

APPLICATION FOR UNITED STATES PATENT  
Declaration for Patent Application

PCT/PTO

01 DEC 2004

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on

the invention entitled: **COMMUNICATION APPARATUS AND DATA RETRANSMISSION CONTROL METHOD**

the specification of which 2 (file no \_\_\_\_\_)

(check at least one) 3 [ x ] is attached hereto

4 [ ] was filed on \_\_\_\_\_ as (5) U.S. Application Serial No. \_\_\_\_\_

6 [ ] and was amended \_\_\_\_\_

(if applicable)

7 [ x ] was filed as PCT international application

Use this portion only if you are entering the U.S. National phase based on a PCT International Application designating the U.S.

8 Number PCT/JP03/08746

9 on 10/July/2003

and was amended under PCT Article(s) 19 and/or 34

10 on \_\_\_\_\_ (if applicable).

11 priority date claimed in PCT International Application

JAPAN 2002-223828 31/July/2002

(Country) (Number) (Day/Month/Year Filed)

\_\_\_\_\_ (Country) (Number) (Day/Month/Year Filed)

\_\_\_\_\_ (Country) (Number) (Day/Month/Year Filed)

I hereby declare that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended, by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application (s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date earlier than that of the application(s) on which priority is claimed.

Prior (Foreign) Application(s) any Priority Claims Under 35 U.S.C. 119

Priority Claimed

12a

_____ (Country)	_____ (Number)	_____ (Day/Month/Year Filed)	[ ]	[ ]
_____ (Country)	_____ (Number)	_____ (Day/Month/Year Filed)	Yes	No
_____ (Country)	_____ (Number)	_____ (Day/Month/Year Filed)	[ ]	[ ]
_____ (Country)	_____ (Number)	_____ (Day/Month/Year Filed)	Yes	No

Priority Claim(s) from U.S. Provisional Application(s) – I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

12b

Application No.	Day/Month/Year Filed	Application No.	Day/Month/Year Filed
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Do not use this portion to identify a PCT application if the parent application is the U.S. National phase of the PCT application	I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between filing date of the prior application and the national or PCT international filing date of this application.
13	(U.S. Application Number) (U.S. Filing Date) Status (patented, pending, abandoned)

I hereby appoint the following attorneys of the firm of Stevens, Davis, Miller & Mosher, L.L.P. as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office:

James E. Ledbetter, Reg. No. 28732; Thomas P. Pavelko, Reg. No. 31689; and Anthony P. Venturino, Reg. No. 31674.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO  
STEVENS, DAVIS, MILLER & MOSHER, L.L.P., 1615 L Street, N.W., Suite 850, Washington, D.C. 20036,  
TELEPHONE (202) 408-5100, FACSIMILE (202) 408-5200.**

See page 2 for signature lines

## INSTRUCTIONS FOR COMPLETION OF THIS FORM

line 1 Insert the same title as is used on the specification and in the assignment.

line 2 Is optional but is provided so that you can use it to identify more readily an application prior to the time that the Patent Office application serial number is assigned. We suggest that the specification, drawings and declaration always bear a file number since it can help to get the papers together in case they become inadvertently separated. In instances where the specification is filed without a signed declaration form (under 37 CFR §1.53) a file number on a later-received separate form will assist us in associating it with the correct case.

line 3 Check this box if the specification, claims and drawing (if any) are attached to this declaration form, e.g., when filing a new patent application.

lines 4-5 Are only used in an instance where the application is already on file and the declaration from is being separately filed, e.g., when the application was originally filed without a signed declaration or where the Patent Office has required a new declaration because of a deficiency in the original declaration. In such an instance the Patent Office will require that lines 4 and 5 be completed with the filing date and application serial number already assigned.

line 6 Is used in conjunction with line 5 but only when there have been one or more amendments to the specification or claims. Line 6 is also used when the Examiner requires a new declaration because claims inserted by amendment cover subject matter not originally claimed (37 CFR §1.67).

lines 7-11 Are for PCT (Patent Cooperation Treaty) cases and are used only when you are entering the U.S. National phase (Chapter I or II) based upon a previously filed PCT International application designating the U.S.

line 7 Check this box if this is a PCT National Phase application.

line 8 Insert PCT International application number.

line 9 Insert date of filing of PCT International application.

lines 10-11 Insert the date of all amendments filed in the PCT International application. Such amendments are optional, so this line at times will not be used.

line 12a Is used in the following instances:

- (i) If a single priority is being claimed from a foreign application you need to list only the first-filed application; you do not need to list other countries if all applications were filed within one year of the U.S. filing.
- (ii) If multiple priorities are being claimed, from a plurality of applications filed in one or more countries, you must list the first filed application for each aspect of the invention. Example: if aspect A of the invention was disclosed in an application filed 11 months earlier in country X and aspect B was disclosed 9 months earlier in an application filed in country Y, then the applications in both countries X and Y must be identified. Only the first application for each aspect of the invention needs to be identified provided all applications on that aspect were filed within one year prior to the U.S. filing.
- (iii) If a non-priority application is being filed you must list all applications in all countries where corresponding foreign applications were filed more than one year prior to the U.S. filing. This is so the Examiner can check to see if any of those applications were published or patented early enough to be prior art against the U.S. application.
- (iv) If there are more than two applications to be listed we suggest that you type in on this form only "See attached Schedule A" and then list all of the previous applications on an attached sheet.

line 12b Is used to claim priority under 35 USC §119(e) based on a provisional application filed within one year of the filing of the instant application. More than one provisional application may be identified provided neither was filed more than one year earlier.

line 13 This block is used only in instances where there is a previously filed U.S. non-provisional application which was copending at the time the present application was (or is being) filed. That previous application could be a U.S. non-provisional application or the National Phase of a PCT allocation. In such a case the present application may be entitled to the priority of the previous application's U.S. filing date (and consequently the foreign priority thereof) provided the present application is identified as a continuing application (continuation, divisional or continuation-in-part) of the earlier (parent) application. If the foregoing is applicable, please fill in one line for each such prior application.

line 14 Type the inventor's proper legal name in the order specified, e.g., "John B. JONES" or "J. Bob JONES" if the inventor so prefers. It is not acceptable to use only initials such as "J. B. JONES."

line 15 The inventor's "signature" may be his (or her) usual manner of signing but it is preferable that the inventor simply write his (or her) name in his (or her) own cursive handwriting in the same order as on line 14, e.g., given name, middle initial and Family name.

line 16 Insert the actual date of signature.

line 17 Insert simply the city and state or country, e.g., "Paris, France", of the inventor's residence, not citizenship. No street address or postal code is required on this line.

line 18 Insert the inventor's citizenship. The statement of citizenship (or subject of) is a statutory requirement (35 USC §115). Simply the name of the country of citizenship, e.g., "Japan" is sufficient.

line 19 Insert the inventor's mailing address. The purpose of requiring the post office address is to enable the Patent Office to communicate directly with the inventor if desired, such as in the case of death of the U.S. attorney. It should be the address where the inventor customarily receives his (or her) mail and should include the postal code. If applicable it can be the inventor's business address or address at place of employment.

Applicants are reminded that the U.S. Patent and Trademark Office has very strict requirements as to proper execution of an application. The applicant should make sure that he reviews the declaration, prior to signing to make sure the declaration properly identifies the application and all relevant information; and should review the specification and claims (including drawings, if any) before signing the declaration. Failure to do so will require the filing of a supplemental declaration --- 37 CFR §1.67(c).

Any handwritten changes to the specification, claims or drawings must be in ink personally by all of the inventors prior to signing the declaration and the adjacent left margin must be initialed and dated by all of the inventors, e.g., "JBJ 6-9-91".

Please let us know if there are any questions regarding proper completion of this form. Thank you.

An assignment, a separate document requiring separate signature and dating may be enclosed. Please look for it and sign and date it in the same manner as in lines 15 and 16 above.

## PAGE 2 OF U.S.A. DECLARATION FORM

14a Typewritten Full Name  
of Sole or First Inventor

Given Name	Middle Name	Family Name
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15a Inventor's Signature

1-00

Hitoshi

IUCHI

16a Date of Signature

November

7

2004

17a Residence

Month

Day

Year

Yokohama-shi

Kanagawa

Japan

City

State or Province

Country

18a Citizenship

JAPAN

19a Post Office Address

1-6-23-610, Mori, Isogo-ku, Yokohama-shi, Kanagawa 235-0023 Japan

(Insert complete mailing  
address, including country)14b Typewritten Full Name  
of Sole or First Inventor

Given Name	Middle Name	Family Name
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15b Inventor's Signature

2-00

Kazuyuki

MIYA

16b Date of Signature

November

7

2004

17b Residence

Month

Day

Year

Setagaya-ku

Tokyo

JY

Japan

City

State or Province

Country

18b Citizenship

JAPAN

19b Post Office Address

1-14-18, Kyodo, Setagaya-ku, Tokyo 156-0052 Japan

(Insert complete mailing  
address, including country)14c Typewritten Full Name  
of Sole or First Inventor

Given Name	Middle Name	Family Name
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15c Inventor's Signature

16c Date of Signature

17c Residence

Month

Day

Year

City

State or Province

Country

18c Citizenship

19c Post Office Address

(Insert complete mailing  
address, including country)14d Typewritten Full Name  
of Sole or First Inventor

Given Name	Middle Name	Family Name
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15d Inventor's Signature

16d Date of Signature

17d Residence

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State or Province

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18d Citizenship

19d Post Office Address

(Insert complete mailing  
address, including country)